

REMARKS

I. Allowable claims and § 112 rejection

In the office action, the Examiner indicated that claims 2, 3, 23, 24 and 55 would be allowed if rewritten to overcome a § 112 rejection and into independent form to include limitations of base claim and intervening claims.

Claim 1 and dependent claims

By this amendment, claim 1 has been rewritten to include the subject matter of claim 2, equivalent to placing claim 2 into independent form. The § 112 rejection was not actually set forth in the office action but the Examiner explained by phone that it related to lack of clarity in claim 2. Applicants understand the lack of clarity to be associated with the phrase “grouped in the single instance of the multiplayer wager game” which was added in the previous amendment. That phrase, which is arguably confusing and unnecessary, has been deleted in the process of amendment of claim 1 to include the subject matter of claim 2. Thus, claim 1 now recites:

...
wherein a single turn of the multiplayer wager game comprises at least one turn of the single-player game in each separate instance of the single-player game played at a player station in use by a participating player.

The wherein clause is clear and precise in defining what constitutes a single turn of the multiplayer wager game -- at least one turn of the single player game in each instance of the single-player game played at a player station used by a participating player.

The same phrase “grouped in the single instance of the multiplayer wager game” has also been deleted from claims 3 and 24. The § 112 rejection of claims 1, 3 and 24 should be removed.

As to claims 23 and 55, the § 112 rejection is believed to be based on lack of clarity of section (ii) of the claim. Claim 23 has been amended to recite:

23. A multiplayer gaming system as claimed in claim 1, wherein the single-player game has a bonus result, the occurrence of the bonus result in any instance of the single-player game enabling any one of:

(i) participation by the participating player in whose instance of the single-player game the bonus result occurred, in the next turn of the multiplayer wager game without requiring a wager,

(ii) payment, by the operator of the multiplayer gaming system, of a wager on the next turn of the multiplayer wager game on behalf of the participating player in whose instance of the single-player game the bonus result occurred,

...

Part (ii) thus simply states that the operator of the multiplayer gaming system pays the wager on the next turn of the multiplayer wager game on behalf of the player who had the bonus result. That is perfectly clear. The § 112 rejection of claim 23 should be removed.

Accordingly, in view of the above amendments, independent claim 1 and dependent claims 3-32 should all be allowed.

Claim 55 has been amended in similar fashion to claim 23 and into independent form to include the limitations of the base claim and intervening claims. Claim 55 should also be allowed.

Prior art rejections

The prior art rejection of claims 1, and 3-32 at pages 3-12 of the office action are moot in view of the amendment of claim 1 to include the subject matter of allowable claim 2.¹

Claims 33-36, 41 and 50 were rejected as anticipated by, or in the alternative, obvious over Rozkin US 7,192,351. Applicants respectfully traverse the rejection.

Claim 33 recites:

- 33 A method of operation of a multiplayer gaming system, comprising the steps of:
providing computer instructions to a plurality of gaming workstations enabling each one of a plurality of players using such workstations to participate in a multiplayer wager game by playing a separate instance of a same single-player game having a plurality of possible results;
the instructions further enabling each participating player to place a wager on an outcome of the multiplayer wager game and transmit such wager to a gaming server; and
using an administration facility associated with the gaming server to determine an outcome of the multiplayer wager game as a function of the combined results of the separate instances of the single-player game, the outcome of the multiplayer wager game being either a favourable outcome if at least one participating player is determined as being a winner of the multiplayer wager game, or an unfavourable outcome in which none of the participating players is determined as being a winner.

Thus, claim 33 recites a method of operation of a multiplayer gaming system in which:

- 1) participating players each play a separate instance of the same single-player game (e.g., slots);
- 2) the participating players place a wager on an outcome of a multiplayer wager game, not their own single player game; and

¹ The inclusion of claims 2 and 3 in the heading at paragraph 1 on page 4 of the office action is believed incorrect since the Examiner indicated that these claims were allowable at page 3 of the office action.

3) the gaming server is operable to determine the outcome of the multiplayer wager game as a function of the combined results of the separate instances of the single-player game played at the plurality of player stations.

The specification gives a number of examples of how this invention can be practiced, for example where each player plays the single-player game of slots, but all such players are grouped together into a single instance of a multiplayer game. See e.g., the ten examples from page 21 to page 33 line 32. For example, in the Example 3 “winner take all” multiplayer game, specification at page 24, (a) the payouts corresponding to all successful results from the individual instances of play (bottom of page 23) are accumulated into a prize pool and (b) the participating player with the highest-paying successful in their instance of the single player game wins the prize pool (top of page 24).

Thus, with this invention two distinct games are occurring at the same time -- (1) the single player game being played on each player’s station (e.g., video slots), and (2) the multiplayer wager game which is represented by the accumulation or grouping of the single player games (e.g. the “winner take all” example reference above), in which the outcome of the multiplayer game is determined by the results of the single player games. The players make their wagers on the multiplayer wager game.

This is completely unique and unobvious over the art of record.

Rozkin

Rozkin discloses the ability of the players to see other players playing on other slot machines and engage in chat in real time, the individual players are playing their own

independent single player games. The individual games or players do not make wagers on the outcome of a multiplayer wager game; let alone a multiplayer wager game whose outcome is a function of the individual results of play. (See Abstract, “different players independently play different games on their computers”). The goal of Rozkin is to simulate the real casino environment (col. 1 line 67 to col. 2 line 2), and in the “real” casino environment players play individual and independent games of slots. This is what is essentially described in Rozkin at col. 2 line 57 – col. 3 line 18.

The Examiner reads far too much into the Rozkin reference and the oblique reference to progressive jackpots. The paragraph referred to by the Examiner for the subject matter at issue here, col. 1 lines 35-45, lists single-player games that a player can observe on his screen, namely: 1) video poker machines; 2) 3-reel machines; 3) 5x3 video slot machines; and 4) other types (i.e. those with progressive jackpots or bonus game screens). These types of games are described, at column 1, lines 39-41 of Rozkin, as “... slot machines or other types of gaming devices that a player typically plays by herself are displayed in a multi-player format” (emphasis added). What the reference is teaching is that the individual players play the video slots type games by themselves, but which may be displayed in a manner so that a given player can observe the single player game activity of other players, as in a physical casino environment.

Furthermore, the inclusion of progressive jackpots in Rozkin’s games still does not meet the requirements of the method claim 33 and its reference to players wagering on the outcome of a multiplayer game. The applicants submit that the Examiner is incorrect for the following reasons:

1. Every player playing a progressive slot machine is playing an instance of a single-player game independently of other such players, the only complication being that one of the winning payouts is a progressive (i.e. variable) prize pool instead of a fixed amount. The progressive prize pool increases in accordance with contributions from wagers by all players and decreases (i.e. resets to a predetermined base amount) when a player wins the progressive jackpot. The question of a progressive jackpot is a complete red herring. In such a progressive jackpot game, the individual single-player game outcomes are not compared to determine the outcome of the multiplayer game, for example a player who wins the progressive jackpot does not affect the chances of another player winning the progressive jackpot immediately thereafter – it is only the amount of the subsequent progressive jackpot win that is affected. The only thing that matters in progressive jackpots is who wins it first. There is no comparison of outcomes. In Rozkin, the only question is: did a player win the jackpot or not?
2. Every player playing a progressive slot machine as in Rozkin plays at the player's own pace, asynchronously from other players. Thus, each player may complete a different number of turns of the single player game. In Rozkin, not only would it be not feasible to compare single player game outcomes to determine the outcome of the round of the multiplayer game, Rozkin certainly does not contemplate or make any suggestion that this could occur. Claim 33 is therefore not obvious.

Furthermore, the Examiner has also argued that a "Wheel of Fortune" slot game played by different players, each on their own slot machine, but linked to a progressive jackpot, is also a multiplayer wagering game. The same arguments 1) and 2) above apply to this particular example raised by the Examiner.

Accordingly, there is no teaching or suggestion whatsoever that the instances of different slot machine games (or Wheel of Fortune wheels) played by different players in Rozkin are combined in any way whatsoever into a multiplayer wager game and make wagers on such multiplayer wager game. The progressive jackpot of Rozkin must be interpreted as a single-player progressive game, i.e. (a) the progressive jackpot is associated only with that single-player game, (b) such jackpot is funded by contributions from wagers on that particular single-player game, and (c) the jackpot can be won only by the player who plays that particular single-player game. Thus, Rozkin teaches away from claim 33.

The applicants further take note of the "community slots" description at col. 2 lines 17-32 of Rozkin, and it is also not teaching the combining of individual instances of single player games into a multiplayer game. The word "community" in "community slots" only indicates that several players are playing individual games (see Figure 1) in a manner where they can observe each others' play, like in a real casino. The single player individual instances are not in any sense combined into a multiplayer game, whether or not the individual instances include progressive jackpots. Furthermore, in the community slots embodiment, there is no wager on a multiplayer wager game, nor is there any disclosure or suggestion of a multiplayer wager game in which the outcome of such

multiplayer wager game is determined by the results of the single player games played by individual players. This is completely foreign to Rozkin. At most, Rozkin's community slots may provide some social connectedness between players, but that is not what the applicants are claiming in claim 33.

In view of the above, it is apparent that Rozkin does not disclose or render obvious the claimed features of claim 33. Claims 34-36 and 41-50 dependent from claim 34 and are allowable over Rozkin by virtue of claim dependency.

Claims 37-40, 42-49 and 51-62

Claims 37-40, 42-49 and 51-62 stand rejected as obvious over Rozkin in view of Weingardt, US patent 5,476,259. The applicants respectfully traverse the rejection.

Weingardt is directed generally to pari-mutuel wager games and machines, in which the amount a player can win is based on the amounts that have been wagered by that player and other players (i.e., a common pool), less a portion set aside for the gaming establishment or proprietor. See col. 5 lines 26-64. This is the principle of operation of all of the Weingardt games, including the Electronic Video Poker Machine of col. 7 lines 7-18. The reference further discloses seeding of pari-mutuel pools by the house, e.g., at col. 8 lines 37-60. However, in the pari-mutuel wagering of Weingardt, the players are not grouped into a multiplayer wager game in the manner recited in claim 33. The players are not placing wagers on a multiplayer wager game. Rather, the players play their single player games, such as poker or video slots. Accordingly, Weingardt does not make up for the deficiency in Rozkin in failing to suggest the manner of playing

a multiplayer wager game as recited in claim 33. Weingardt can be viewed as a reference explaining how to construct a pool of prize money for players to win and limit exposure of the house to losses according to well known principles of pari-mutuel wagering; it does not break new ground on the play of games per se.

At most, viewing Rozkin in light of the teachings of pari-mutuel gaming and its advantages as explained in Weingardt would suggest to a person skilled in the art that slots games of Rozkin might be played in a pari-mutuel manner, in which the players are competing for a pool of prize money formed from the wagers and not against “the house” or proprietor of the Rozkin games. See Weingardt at col. 10 lines 14 et seq. (describing pari-mutuel slot machines in which payoff are made from a prize pool, which may be seeded by the house); the same principles apply to other games, e.g., col. 12 lines 8-30 (payouts in video poker paid from common pari-mutuel pool; credit system is used to dictate payouts based on size of pool and amount wagered), col. 15 lines 32-54. This is the only reasonable combination of the references. In this situation, the players are still playing single player games and wagering on such single player games; there is no grouping of players into multiplayer wager games, no wagering on a multiplayer wager game, or determining an outcome of a multiplayer wager game based on the combined results of the outcomes of the single player games. This result cannot be deemed obvious over Rozkin and Weingardt since the references completely fail to suggest it.

In view of the above, claims 37-40, 42-49 and 51-62 are not obvious since the references fail to render obvious the subject matter of claim 33 from which these claims depend.

The Examiner is requested to withdraw the instant rejections and allow the application.

Respectfully submitted,

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CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing response to office action is being deposited as first class mail, postage prepaid in an envelope addressed to Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450 on this 17 th day of August 2010.

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